

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JOINT FINAL STATUS REPORT AND
MOTION FOR ORDER OF EXCLUDABLE DELAY

The defendant Joshua WESTBROOK was indicted on December 15, 2021 with one count of distribution and possession with intent to distribute 50 grams or more of methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(A)(viii). The defendant was arrested on December 16, 2021, and remains in custody pursuant to a voluntary order of detention without prejudice. *See* Dkt. No. 10. On March 28, 2022, newly retained counsel filed a notice of appearance to represent the defendant. Pursuant to Local Rule 116.5(c), and the Court's Initial Status Report (Dkt. No. 24), the government submits the following joint status report and motion for order of excludable delay.

1. Automatic Discovery and Discovery Requests

The government provided automatic discovery on January 24, 2022. On April 6, 2022, the government provide automatic discovery to new counsel. The government has responded to all requests for discovery by the defendant.

2. Timing of Additional Discovery

The government does not anticipate providing any additional automatic discovery.

3. Pretrial Motions

The defendant has not filed any pretrial motions under Fed. R. Crim. P. 12(b). The parties request that the Court set a deadline for filing any pretrial motions under Fed. R. Crim. P. 12(b).

4. Excludable Delay

Zero days of non-excludable time have accrued. The parties request, pursuant to 18 U.S.C. § 3161(h)(7)(A), that the Court enter an order of excludable delay excluding the time between June 16, 2022 and the date set for the Final Status Conference.

5. Plea Discussions, Trial

The parties have not engaged in plea negotiations. Any trial is anticipated to last approximately three days.

6. Request to Transfer to the District Court

The Final Status Conference is currently scheduled for July 18, 2022. The parties request that the Court cancel the Final Status Conference and transfer the case to the District Court for a Pre-Trial Conference in order to resolve pretrial motions (if any) and schedule a trial date.

DATED: July 8, 2022

Respectfully submitted,

RACHAEL S. ROLLINS
United States Attorney

By: /s/ Alathea E. Porter
Alathea E. Porter
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

I hereby certify that on July 8, 2022, this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

/s/ Alathea E. Porter
Alathea E. Porter
Assistant U.S. Attorney